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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/105,705	06/26/1998	THOMAS JOKERST	4172-4913	5902

7590 02/27/2002

ANTHONY G SIMON  
HOWELL & HAUSERKAMP  
7733 FORSYTH BLVD  
SUITE 1400  
ST LOUIS, MO 63105

EXAMINER

CATHEY, DAMIAN E

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 02/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/105,705

Applicant(s)

JOKERST, THOMAS

Examiner

Damian E. Cathey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/03/1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: The phrase "ferrite Number Seventy-Seven" is used on page 9, line 9 of the specification. It is not clear whether or not the phrase is a trademark, and if so applicant is required to provide the generic make-up or formula for the substance. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claim 3 recites the limitation "the toroid" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 4, 5, and 6 depend from rejected claim 3 and include all of the limitations of claim 3, thereby rendering these dependent claims indefinite.

Claims 5, 11, and 17 contain the trademark/trade name "type 77 ferrite". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is

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used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe *a certain ferrite material* and, accordingly, the identification/description is indefinite.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-9, 12-16, and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated Wollmerschauser et al. U.S. Patent No. 5,091,707 (cited by applicant).

In reference to claims 1, 8, 13-15, and 18-21, Wollmerschauser et al. disclose (Fig. 1) a filter for reducing RF interference on a coaxial network (See Wollmerschauser – abstract and Col. 1, line 5) having a ferrite form, 8, and a solid conductor, 12, the conductor having first and second ends, 20 and 22, is wound about the ferrite form, 8, thereby creating a choke (See Wollmerschauser et al. Col. 5, line 5) in series between a first conductor end, 20, and the second conductor end, 22, and is insulated from the ferrite form by a dielectric (See Wollmerschauser et al. Col. 6, line 20), and the filter also comprises terminal coupler, 24.

Referring to claim 2, Wollmerschauser et al. disclose (Fig. 1) a filter for reducing RF interference on a coaxial network wherein the solid conductor inherently functions as a ground for the coaxial network and attenuates RF interference due to its configuration.

Referring to claim 3, Wollmerschauser et al. disclose that the toroid is constructed of ferro-magnetic material (See Wollmerschauser et al. – abstract).

In reference to claims 4, 9, and 16, Wollmerschauser et al. disclose that the toroid attenuates RF signals in a frequency band used for cable TV, which inherently attenuates signals in a frequency band from approximately 5MHz to approximately 42 MHz.

Referring to claim 7, Wollmerschauser et al. disclose (Fig. 1) a threaded receptacle, 28, for receiving a threaded bolt, 29, first and second apertures in the threaded receptacle adapted to receive the first conductor end and a ground wire from the ground reference source and a threaded bolt screw threaded into the threaded receptacle configured to hold the first conductor end and the ground wire in the first and second apertures (See Wollmerschauser et al. Col. 3, line 56 and Col. 4, line 18).

In reference to claim 12, Wollmerschauser et al. disclose (Fig. 1) a filter having a housing, 2, having an interior, the ferrite form, 8, being secured in the housing interior (See Wollmerschauser et al. Col. 4, line 66), a terminal coupler, 24, at the first conductor end being adapted for joining the coaxial network to the first conductor end with a ground wire, and the second end protrudes through the housing for attachment to a ground block source.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wollmerschauser et al. U.S. Patent No. 5,091,707 (cited by applicant) in view of Fawal et al. U.S. Patent No. 6,049,258.

Referring to claims 5, 11, and 17, Wollmerschauser et al. disclose that the ferrite form, 8, is constructed of #43 ferrite material.

Claims 5, 11, and 17 state that "the ferrite form is constructed of #77 ferrite material." which is not stated by Wollmerschauser et al.

Fawal et al. disclose (Fig. 4) a signal filter transformer having a ferrite core constructed of #77 ferrite material (See Fawal Col. 6, line 1). Fawal et al. further disclose that changing the materials to make the ferrite core, 450, and the shape of the core can vary the magnetizing inductance (See Fawal Col. 8, line 28).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have further modified the filter of Wollmerschauser et al. to have constructed the ferrite from ferrite #77.

The above modification would have been considered obvious since it has been held that where the general conditions of a claim are disclosed in the prior art,

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discovering the optimum or workable ranges involves only routine skill in the art, thereby suggesting the obviousness of the claim because different ferrites attenuate different frequencies.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wollmerschauser et al. U.S. Patent No. 5,091,707 (cited by applicant).

Wollmerschauser et al. are silent as to the gauge of the conductor.

Claim 6 states that "the conductor is constructed of at least 14 gauge copper wire," which is not stated by Wollmerschauser et al.

It is well-known in the art that the gauge of the conductor determines the current-carrying capability of the conductor.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have further modified the filter of Wollmerschauser et al. to have constructed the conductor of any gauge, including at least 14 gauge copper wire, depending on the desired current capability.

The above modification would have been considered obvious since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art, thereby suggesting the obviousness of the claim.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wollmerschauser et al. U.S. Patent No. 5,091,707 (cited by applicant) in view of Holdsworth U.S. Patent No. 4,701,726.

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Wollmerschauser et al. doesn't disclose a ground block coupled to the noise choke.

Claim 10 states that "a ground block is coupled to the noise choke," which is not stated by Wollmerschauser et al.

Holdsworth discloses (Fig. 1) a trap filter assembly that incorporates a ground block (See Fig s. 5 and 5A) in order to allow for factory tuning of a filter, which enables precise tuning of the filter to a specific channel or band of channels (See Holdsworth Col. 1, line 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have further modified the filter of Wollmerschauser et al. to have incorporated a ground block.

The above modification would have been considered obvious as an advantageous benefit of enabling precise tuning of a filter to a specific channel or band of channels.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Damian E. Cathey whose telephone number is 703-305-1631. The examiner can normally be reached on 7:00 - 3:30 PM.

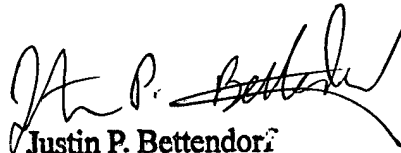


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pascal can be reached on 703-308-4909. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7266 for regular communications and 703-305-0142 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

dc  
February 22, 2002

  
**Justin P. Bettendorf**  
Primary Examiner  
Art Unit 2817